

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ELIZABETH NORWOOD,

Plaintiff,

v.

**MULBERRY MEDICAL AESTHETICS,
LLC, ET AL.,**

Defendants.

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NO. 1:24-cv-00061

**JUDGE CAMPBELL
MAGISTRATE JUDGE HOLMES**

ORDER

Pending before the Court is a Motion to Dismiss (Doc. No. 8). The signature on the Motion is not legible and there is no other information indicating which party filed the Motion. Accordingly, the Motion (Doc. No. 8) is **DENIED** without prejudice to re-filing.

Further, while individual Defendant Theron Hutton may appear pro se, Defendant Mulberry Medical Aesthetics, LLC is reminded that a corporate entity can only appear in federal court through an attorney. *S.E.C. v Merklinger*, 489 F. App'x 937, 939-40 (6th Cir. 2012). For purposes of proceeding in federal court, there effectively “is no difference between a corporation and a limited liability company,” and “the right to conduct business in a form that confers privileges, such as the limited personal liability of the owners for tort or contract claims against the business, carries with it obligations, one of which is to hire a lawyer if you want to sue or defend on behalf of the entity.” *Harmer v. Colom*, No. 3:13-00286, 2014 WL 993319, at *1 (M.D. Tenn. March 13, 2014) (quoting *United States v. Hagerman*, 545 F.3d 579, 581-82 (7th Cir. 2008)). Therefore, limited liability companies – such as Mulberry Medical Aesthetics, LLC here – “cannot appear except through counsel.” *Id.* (quoting *City of New York v. Mickalis Pawn Shop, LLC*, 645 F3d. 114, 132 (2nd Cir. 2011)); *see also Collier v. Greenbrier Develop., LLC*, 358 S.W.3d 195,

200 (Tenn. Ct. App. 2009) (“a limited liability company has an existence separate from its members and managers [and] may only appear in court through counsel”) (internal citation omitted).

Moreover, Plaintiff failed to file proof of service of process as required by Fed. R. Civ. P. 4(l)(1). Accordingly, Plaintiff shall file proof of service of process on Defendants. The Clerk is directed to mail a copy of this Order to the following return address provided with the motion:

Mulberry Clinics
5328 Main St, Suite K
Spring Hill, TN 37174

It is so **ORDERED**.

A handwritten signature in black ink, reading "William L. Campbell, Jr.", written over a horizontal line.

WILLIAM L. CAMPBELL, JR.
CHIEF UNITED STATES DISTRICT JUDGE